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EXAMINER

LEWIS, ALICIA M

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARLAN SEYMOUR, SOURABH SATISH, ANNE YEH, and
BENJAMIN YEUNG

Appeal 2009-013135
Application 10/802,646
Technology Center 2100

Before ERIC S. FRAHM, JEFFREY S. SMITH, and JASON V. MORGAN,
Administrative Patent Judges.

FRAHM, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-6, 8-11, 14, 15, 17-20, and 23-26.¹ We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

Exemplary Claim

Exemplary independent claim 1 under appeal, with emphasis and paragraphing added, reads as follows:

1. Apparatus for empirically adjusting a user's authorized access to a database, said apparatus comprising:

coupled to the database, a database discovery module configured to determine database structure and the user's authorized access to the database, the user's authorized access including a set of authorized database tables and authorized columns;

coupled to the database, a command monitoring module configured to monitor the user's actual accesses to the database until a preselected quantity of actual accesses have been observed, the user's actual accesses including a set of accessed database tables and accessed columns; and

coupled to the database discovery module and to the command monitoring module, *an analysis module configured to compare the user's actual accesses with the user's authorized access and configured to adjust the user's authorized access taking into account results of the comparing by changing settings within a database access control module to deny the user future database access to an authorized database table or an authorized column that is not in the set of accessed database tables and accessed columns.*

¹ Claims 7, 12, 13, 16, 21, and 22 have been canceled.

The Examiner's Rejections

(1) The Examiner rejected claims 1-4 and 23 under 35 U.S.C. § 101 as being directed to non-statutory subject matter (*see* Final Rej. 2). Because the Examiner has not maintained the rejection of claims 1-4 and 23 under 35 U.S.C. § 101 in the Answer (*see generally* Ans. 3-17), and indicates agreement (*see* Ans. 2, ¶ (6)) with Appellants' statement of the grounds of rejection to be reviewed on appeal (App. Br. 5, listing only the three § 103(a) rejections *infra*), we consider this rejection to be withdrawn and do not reach the merits or otherwise review this rejection in our decision.

(2) The Examiner rejected claims 1-3, 5, 8, 9, 11, 14, 17, 18, 20, and 23-26 as being unpatentable under 35 U.S.C. § 103(a) over Mattson (US 2003/0101355 A1) and Ludwig (US 2003/0167229 A1). Ans. 4-10.

(3) The Examiner rejected claims 4, 10, and 19 as being unpatentable under 35 U.S.C. § 103(a) over Mattson, Ludwig, and Wai Lup Low, et al., *DIDAFIT: DETECTION INTRUSIONS IN DATABASES THROUGH FINGERPRINTING TRANSACTIONS*, ICEIS 2002 – DATABASES AND INFORMATION SYSTEMS INTEGRATION, pp. 121-128 (2002) (hereinafter, "Low"). Ans. 10-11.

(4) The Examiner rejected claims 6 and 15 as being unpatentable under 35 U.S.C. § 103(a) over Mattson, Ludwig, and Vaitzblit (US 2005/0097149 A1). Ans. 11-12.

Appellants' Contentions

Appellants contend (App. Br. 5-9; Reply Br. 2-3), *inter alia*, that the Examiner erred in rejecting claims 1-6, 8-11, 14, 15, 17-20, and 23-26 under

35 U.S.C. § 103(a) because Mattson and Ludwig, taken singly or in combination, fail to disclose adjusting a user's authorized access by "deny[ing] the user future database access to an authorized database table or an authorized column that is not in the set of accessed database tables and accessed columns," as set forth in claim 1.

Appellants also contend (App. Br. 7-8; Reply Br. 3) that the Examiner erred in rejecting claim 1 because Ludwig (§ [0051]) discloses expiring inactive accounts, and does not teach or suggest denying future database access to "authorized database table or an authorized column *that is not in the set of accessed database tables and accessed columns*" (claim 1) (emphasis added).

Issue on Appeal²

Based on Appellants' arguments, the following pivotal issue is presented on appeal:

Did the Examiner err in rejecting claims 1-6, 8-11, 14, 15, 17-20, and 23-26 as being obvious because the combination of Mattson and Ludwig fails to teach or suggest "deny[ing] the user future database access to an authorized database table or an authorized column that is not in the set of accessed database tables and accessed columns," as set forth in claims 1, 5, and 14 on appeal?

² We recognize that Appellants' arguments present additional issues. Many of the arguments presented by the additional issues are not persuasive; nonetheless we were persuaded of error by this issue and as such we do not reach the additional issues as this issue is dispositive of the appeal.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments in the Appeal Brief (App. Br. 5-10) and Reply Brief (Reply Br. 2-5) that the Examiner has erred. We agree with Appellants' conclusion specifically listed above.

The Examiner asserts that Mattson discloses adjusting a user's authorized accesses to an authorized database table or an authorized column, and admits that Mattson "does not explicitly teach adjusting the user's authorization to deny future access to authorized tables/columns that were previously authorized, but not accessed" (Ans. 5 (citing Mattson at ¶¶ [0038] and [0046])). The Examiner determines that "Ludwig teaches a modular business transactions platform (see abstract), in which he teaches denying future access to authorized tables/columns that were previously authorized, but not accessed (paragraph 51)" (Ans. 5 and 7). The Examiner also determines that Ludwig "*denie[s] access to previously authorized database tables/columns, such as those handled by a host user in paragraph 44*" (Ans. 5 and 7).

However, our close review of Ludwig's paragraphs [0044] and [0051] reveals that Ludwig merely describes users having different levels of permission, database administration, and monitoring system activity (¶ [0044]), as well as disabling or expiring an inactive user account "after a certain number of days of nonuse" (¶ [0051]). Ludwig fails to teach authorized database tables or columns that are not in the set of accessed database tables and accessed columns, as set forth in claims 1, 5, and 14. Although Ludwig disallows or denies access, Ludwig is silent as to "deny[ing] the user future database access to an authorized database table or

an authorized column that is not in the set of accessed database tables and accessed columns,” as set forth in claims 1, 5, and 14. Ludwig’s paragraph [0044] fails to teach or suggest authorized database tables or columns being present in the database or system.

Mattson does disclose authorized rows and columns of a table (§ [0035]), and authorized table columns (§ [0038]). However, Mattson still does not teach or suggest “an authorized database table or an authorized column that is not in the set of accessed database tables and accessed columns,” as recited in claims 1, 5, and 14.

We are persuaded by Appellants’ argument that the Examiner has not shown that Mattson and Ludwig, taken singly or in combination, disclose adjusting a user’s authorized access by denying the user future database access to an authorized database table or an authorized column that is not in the set of accessed database tables and accessed columns as claimed. Accordingly, we will not sustain the Examiner’s rejection of independent claims 1, 5, and 14 over the combination of Mattson and Ludwig, as well as claims 2, 3, 8, 9, 11, 17, 18, 20, and 23-26 which ultimately depend respectively therefrom.

For similar reasons, and because Low and Vaitzblit fail to cure the deficiencies of Mattson and Ludwig, we will also not sustain the Examiner’s rejections (i) claims 4, 10, and 19 over Mattson, Ludwig, and Low; and (ii) claims 6 and 15 over Mattson, Ludwig, and Vaitzblit.

CONCLUSION

Appellants have demonstrated that the Examiner erred in rejecting claims 1-6, 8-11, 14, 15, 17-20, and 23-26 as being unpatentable under

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35 U.S.C. § 103(a) because Mattson and Ludwig, taken individually or in combination, fail to teach or suggest “deny[ing] the user future database access to an authorized database table or an authorized column that is not in the set of accessed database tables and accessed columns,” as recited in claims 1, 5, and 14.

DECISION

The Examiner’s § 103(a) rejections of claims 1-6, 8-11, 14, 15, 17-20, and 23-26 are reversed.

REVERSED

msc